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| In re Application of: Christopher De Janasz | : DECISION ON PETITION |
| Appl. No. 10/563,187 | : TO WITHDRAW FINALITY |
| Filed: December 30, 2005 | : AND FOR SUPERVISORY |
| For: VEHICLE-BASED WIRELESS | : REVIEW UNDER 37 CFR 1.181 |
| IDENTIFICATION SYSTEM | : |


This is a decision on applicant's petition under 37 CFR 1.181 filed on January 8, 2008 to withdraw the finality in the office action October 9, 2008 and on applicant's petition under 37 CFR 1.181 filed March 7, 2008 requesting supervisory review.

The petitions are **DISMISSED**.

On June 29, 2006, the examiner issued a non-final Office action rejecting all of the claims. On October 24, 2006, applicant filed a request for reconsideration and arguments. On October 9, 2007, the examiner mailed a final Office action. In response to the final Office action, applicant filed a petition on January 8, 2008 ("January 2008 petition") requesting that the finality be withdrawn, a declaration under 37 C.F.R. § 1.132, claim amendments, and "Remarks." While the first petition was outstanding, applicant filed a second petition on March 7, 2008 requesting supervisory review ("March 2008 petition"). In the March 2008 petition, applicant requested, inter alia, reconsideration of the January 2008 petition, issuance of an advisory action, and a request for continued examination (RCE) under 37 C.F.R. § 1.114 if the January 2008 petition is not timely granted. Then on June 6, 2008, applicant filed a Request for Continued Examination (RCE).

The record shows that the June 6, 2008 RCE was processed to withdraw the finality of the Office action of October 9, 2007, and the after final amendment filed on January 8, 2008 was entered in accordance to Rule 37 CFR 1.114 and MPEP 706.07 (h) which states that "the Office will withdraw the finality of any Office action and the submission will be entered and considered." Therefore, the January 2008 petition filed under 37 CFR 1.181 to withdraw the finality of the office action of October 9, 2007 and the March 2008 petition for supervisory review are moot in view of the submission of the RCE.

Any questions regarding this decision should be directed to Supervisory Patent Examiner Andrew Fischer at (571) 272-6779.



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